

Message Text

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PAGE 01 SEOUL 07588 261013Z

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TAGS: PINT, PINS, KS

SUBJECT: TRIAL OF KIM TAE-CHUNG

REF: SEOUL 7144

1. SENTENCING OF KIM TAE-CHUNG SET FOR SEPTEMBER 26 WAS PUT OFF AT LAST MOMENT WHEN COURT SUSPENDED THE TRIAL PENDING A RULING ON THE THIRD CHALLENGE DIRECTED AGAINST THE COURT BY DEFENSE LAWYERS SHORTLY BEFORE THE SENTENCING SESSION WAS TO BEGIN. DEFENSE LAWYERS HAVE CONSISTENTLY CONTENDED THAT KIM'S TRIAL IS BEING CONDUCTED IN A WAY PREJUDICIAL TO THE FORMER PRESIDENTIAL CONTENDER AND A CHALLENGE WAS EARLIER DIRECTED AT THE PANEL OF JUDGES ON SEPTEMBER 9. HOWEVER, THIS CHALLENGE HAD BEEN IGNORED IN CLEAR VIOLATION OF LAW THAT STIPULATES THAT A TRIAL MUST BE SUSPENDED UNTIL A CHALLENGE IS RESOLVED. AND ON SEPTEMBER 12 A TRIAL SESSION WAS HELD DURING WHICH THE PROSECUTION DEMANDED THAT KIM BE GIVEN FIVE YEARS IN PRISON FOR VIOLATING THE ELECTION LAWS. IT WAS NOT UNTIL SEPTEMBER 25, ON THE EVE OF THE SENTENCING SESSION THAT IT WAS ANNOUNCED THAT THE SEPTEMBER 9 CHALLENGE HAD BEEN DENIED. DEFENSE LAWYERS SAY THEY WILL APPEAL THIS RULING TO THE SEOUL APPELATE COURT.

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PAGE 02 SEOUL 07588 261013Z

2. IN LONG TALK WITH POLCOUNS IN THE EVENING OF SEPTEMBER 25, KIM TAE-CHUNG SAID HE HAD LEARNED FROM HIS SOURCES THAT HE WOULD RECEIVE A TWO OR THREE YEAR SENTENCE ON THE FOLLOWING DAY BUT HE WOULD NOT BE PUT IN JAIL IMMEDIATELY BECAUSE THERE WOULD BE APPEALS. HE SAID THAT HE IS AFRAID OF GOING TO JAIL SINCE HIS HEALTH IS NOT GOOD AND WILL NOT STAND UP TO A LONG TERM IN A DAMP CELL. HE STATED THAT HE WAS MENTALLY PREPARED TO MAKE ANY SACRIFICE NECESSARY. YI TAEK-TON, NDP ASSEMBLYMAN AND ONE OF KIM'S LAWYERS TOLD EMBASSY LOCAL POLITICAL RESEARCH SPECIALIST AT TRIAL SESSION THAT THE 11TH HOUR CHALLENGE HAD BEEN INTRODUCED WHEN LAST MINUTE INFORMATION HAD COME THROUGH HIS OWN SOURCES THAT KIM WOULD INDEED BE SENTENCED AND THEN IMMEDIATELY ARRESTED AND JAILED. YI SAID THAT ALL WERE PLEASED THAT THIS TACTIC HAD SUCCEEDED AND INTERPRETED IT TO MEAN THAT THE JUDICIARY WAS RESISTING THE INTENSE PRESSURE BEING BROUGHT TO BEAR BY THE GOVERNMENT TO CONVICT KIM.

3. ATMOSPHERE ENVELOPING THE SEPTEMBER 26 SESSION WAS SUSPENSEFUL AND SOMEWHAT AGITATED. BEFORE SCHEDULED 10:00 O'CLOCK OPENING A CROWD ESTIMATED AT 1,000 PEOPLE JAMMED COURT-ROOM AND CORRIDORS. KIM TAE-CHUNG ARRIVED AT ABOUT 10:05 TO CHEERS OF THE CROWD. HE WAS ACCOMPANIED BY A RETINUE OF 30 TO 40 PEOPLE INCLUDING HIS WIFE, SECRETARIES, AND MEMBERS OF THE NATIONAL ASSEMBLY. NORMALLY, THE FIRST TWO OR THREE ROWS OF SEATS IN THE COURTROOM WERE RESERVED FOR THIS GROUP. HOWEVER, THESE SEATS WERE OCCUPIED BY ABOUT 40 PLAINCLOTHES POLICEMEN WHO REFUSED TO MOVE. WHEN THIS BECAME APPARENT TO THE CROWD, SHOUTS BEGAN "POLICEMEN OUT" AND PROTESTS WERE MADE TO THE BAILIFF TO REMOVE THEM. THE BAILIFF RESPONDED THAT ONLY A JUDGE HAD THE RIGHT TO ORDER PEOPLE FROM THE COURTROOM AND WORKED OUT A COMPROMISE; KIM'S GROUP COULD STAND BETWEEN THE BENCH AND THE SEATS. ACCORDING TO EYEWITNESSES, DURING THE THIRTY MINUTE EMBROGLIO OVER THE SEATING ISSUE, NEWSMEN, INCLUDING 15 TO 20 JAPANESE AND 3-4 WESTERN REPORTERS WERE TAKING PICTURES AND INTERVIEWING KIM TAE-CHUNG. AT ABOUT 10:45, THE JUDGES ENTERED THE COURTROOM ANNOUNCED THAT THE TRIAL WOULD BE SUSPENDED AND QUICKLY RETREATED. KIM LEFT THE COURT AMIDST CHEERS AND HANDCLAPPING.

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PAGE 03 SEOUL 07588 261013Z

4. WITH THE DEFENSE CHALLENGE AND APPEAL OF EARLIER CHALLENGE NOW IN PROCESS IT IS IMPOSSIBLE TO PREDICT WHEN THE LONG TRIAL OF KIM TAE-CHUNG WILL RECOMMENCE.
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